

**VILLAGE OF COPEMISH**  
**BLIGHT, JUNK AND DANGEROUS BUILDINGS ORDINANCE**

**Ordinance No. 2020-08**

An Ordinance to promote the health, safety and welfare of the people of the Village of Copemish through the prevention, reduction or elimination of blight, blighting factors or causes of blight; to establish administrative requirements and prescribe procedures for the required maintenance or demolition of blighted buildings and structures; to provide for the enforcement hereof; and to provide penalties for the violations hereof; and to repeal all ordinances or parts of Ordinances in conflict therewith.

The Village of Copemish ordains:

**Section 1: TITLE, PURPOSE AND LEGAL BASIS**

**1.01:** This Ordinance will be known and may be cited as the Village of Copemish Blight Ordinance.

**1.02:** The purpose of this Ordinance is to regulate and control the storage and disposal of junk, blight and dangerous buildings within the Village of Copemish, in order to promote the public health, safety and welfare; to protect land values; to provide for the safety of residents in the area from dangerous junk & blight; to protect groundwater lying beneath the Village; to reduce the incidence of blight and vermin; and to protect aesthetics in the Village and to regulate matters of legitimate Village concern.

This Ordinance is specifically designed to:

1. Define certain terms used herein,
2. Regulate the volume and conditions under which a person may store junk on one's land.
3. Provide for enforcement and a system of due process for removal of junk from one's land.
4. Provide for miscellaneous provisions necessary for regulation of the Village's affairs.

**1.03:** This Ordinance is enacted pursuant to Section 1 of 1945 PA246, being MCL 41.181 as amended, and being MCL 445.451 as amended.

**Section 2: DEFINITIONS**

**2.01:** The following terms will have the meanings herein assigned, unless the context clearly requires otherwise.

1. **BLIGHTED/DANGEROUS STRUCTURE OR BUILDING:** Means any dwelling, garage or outbuilding or any factory, shop, warehouse or any other structure or building, or part of a structure or building which, because of fire, wind or any other natural disaster or physical deterioration is no longer inhabitable as a dwelling, or useful for the purpose for which it is intended.
2. **JUNK:** Means any of the following (including items held for recycling or repurposing):
  - A) Old or scrap ferrous or nonferrous metal, trash, rubber, cloth, paper, rubbish, refuse, litter.

- B) Materials from demolition or waste building materials.
- C) Any junked, abandoned, scrap, dismantled or wrecked (Including parts of, or items held for salvage) automobiles, vehicles, ATVs, ORVs, farm equipment, boats, trailers, mobile homes, appliances and all other machines.

But will not include items being held for a customer while parts are being sought for its repair.

- 3. JUNK AUTOMOBILE: Means any motor vehicle required to be licensed under the laws of the State of Michigan which is not licensed for a period in excess of sixty(60) days, or, whether licensed or not, is inoperative for a period of sixty(60) days and is visible from roads or adjacent parcels.
- 4. VILLAGE: Means Village of Copemish.
- 5. VILLAGE COUNCIL: Means all duly elected and appointed persons (President, Clerk, Treasurer, Trustees) serving the Village.
- 6. PARCEL: Means the tract or contiguous tracts of land in the same ownership, whether one or more are platted lots or parts of lots, as identified by a single property tax parcel number in the Village assessment roll.
- 7. OWNER: Means a person or other entity with who owns a property or structure in the Village, or a portion of a property or structure, or agent of such person that is registered with the Village.
- 8. PERSON: Means any natural person, firm, partnership, corporation, limited liability company, or other unincorporated association of persons, and will include all agents, servants and employees of such persons.
- 9. ROAD: Means a public or private road, highway, street, or right-of-way which affords the means of ingress or egress to abutting property and the means of travel past a parcel.
- 10. CODE ENFORCEMENT OFFICER: Means the Village or such other officials or agencies designated or contracted by the Village or otherwise empowered under law or this Ordinance to enforce the provisions of this Ordinance. Such persons are authorized to seek advice from a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization.

### **Section 3: REGULATION OF BLIGHT; UNLAWFUL ACTS**

**3.01:** It will be unlawful for a person to maintain or permit to be maintained any blighted structure or building.

**3.02:** It will be unlawful for a person to store or accumulate junk (As defined in **Section 2**).

### **Section 4: VIOLATIONS PROCEDURE**

**4.01:** If the Village Council or Code Enforcement Officer, upon written complaint of any person, or upon its own motion, finds that there is reasonable cause to believe that a violation of this Ordinance is occurring, it may determine the parcel or parcels on which such violation may be occurring and may notify each owner

of such parcel, in the manner hereafter set forth, of the nature of the alleged violations and the date and time of a hearing at which the alleged violations of this Ordinance will be brought before the Village Council at the Council's regular monthly meeting. The hearing will be held not less than twenty-one (21) days after the date of the notice. The owner or lessee of the parcel shall be invited to attend such hearing, in person or through council, and show cause, why the Village Council should not order such alleged violations to cease and the parcel in question be restored to a condition which is not in violation of this Ordinance.

**4.02:** Notice of the hearing will be in writing and served upon the persons shown as owners of the parcels in question on the most recent tax assessment roll and any known lessee of the parcel and any other person known to have any interest in the parcel. The Code Enforcement Officer will cause such notice to be served by personal delivery to such persons, by anyone of suitable age and discretion, or by certified or registered mail, return receipt requested. If any of the persons entitled to notice cannot be ascertained or located, the Code Enforcement Officer will cause such notice to be conspicuously posted on the parcel. An affidavit of service or posting will be maintained. Service of the notice will be accomplished not less than ten (10) days before the hearing.

**4.03:** The hearing will be conducted before the Village Council with the President presiding. The Village Council will receive testimony and other evidence as it deems reasonably reliable and relevant to the issue of the alleged violation of this Ordinance and will render a decision and order in such matter within ten (10) days of the hearing.

**4.04:** The Village Council with guidance from the Code Enforcement Officer will determine whether a violation exists or not, and, if so, what must be done to restore the parcel in question to a condition that is not in violation of this Ordinance. This decision may include, but is not be limited to, ordering the owner of the parcel to remove and lawfully dispose of all junk from the parcel, the demolition and removal of a blighted structure or building within thirty (30) days after service of the order upon them. All persons entitled to notice of hearing will be notified of the Village Council's decision, which will be in writing and served, in person or by certified or registered mail, return receipt requested, by the Code Enforcement Officer, at such person's last known address or the address where the service of notice of hearing was accomplished.

## **Section 5: VIOLATIONS RESOLUTION**

**5.01:** If the owner of the parcel fails, refuses or neglects to comply with the decision and order of the Village Council within thirty (30) days after service of the order upon them, the Village Council will decide the method(s) by which the parcel would best be brought into compliance.

1. **REMOVAL & DISPOSAL:** If the owner of the parcel fails, refuses or neglects to comply with the decision and order of the Village Council as administrated by the Code Enforcement Officer within thirty (30) days after service of the order upon them, the Village Council may cause the junk to be removed from the parcel and lawfully disposed, may cause a blighted structure or building to be demolished and removed or repaired and rehabilitated to a condition of safety in compliance with this Ordinance. The Code Enforcement Officer and Sheriff's Deputy (If deemed necessary to ensure public safety) will be present during the cleanup. The cost of such

actions will be billed each of the owners of the parcel who will be jointly and severally liable therefore. If the owners of the parcel, refuse, neglect or fail to pay such costs within sixty (60) days of the Village's invoice to them, the Village Clerk will report such costs to the Village Treasurer who will cause such costs to be assessed against the parcel in question. The costs so assessed will become a lien against the parcel in the same manner as other ad valorem taxes and interest, penalties and fees will be charged and collected in the same manner as other ad valorem taxes.

2. CIVIL INFRACTION: The Village Council may decide to have the Ordinance enforced by the law enforcement agencies and officers authorized to act within the Village, who are hereby designated as the authorized local officials to issue civil infraction citations per the Village of Copemish Civil Infraction Ordinance.
3. CIVIL ACTION: The Village of Copemish or any other person adversely affected by a violation of this Ordinance, may commence an action in the Circuit Court for Manistee County for an injunction, or any other appropriate remedy, to prevent, enjoin, abate, correct or remove junk, blighted structures or buildings permitted, accumulated, stored or maintained in violation of this Ordinance, and to prevent, enjoin, abate or otherwise prohibit the continuation of such violation. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**5.02:** The procedures set forth in this Section of the Ordinance are optional and nothing in the ordinance will be constructed to prevent the Village from seeking immediate enforcement under either or both Sections nor will the fact that the Village has employed either procedure set forth above be a bar to later enforcement hereof under the other procedure.

#### **Section 6: SEVERABILITY**

This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section subsection, phrase or clause is adjudged unconstitutional or invalid, it will not affect thereby. The Village Council declares that it would have passed this Ordinance and each section, subsection, phrase, sentence and clause therefore respective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

#### **Section 7: REPEAL**


All Ordinances or parts of Ordinances inconsistent or in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but only to the extent of such conflict or inconsistency.

The village clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

Yeas: 3

Nays: 0

Ordinance declared adopted on August 11, 2020

  
Elaine Gibbs, Village Clerk